

207 West Second Street
Post Office Box 519
Kenly, North Carolina 27542



Telephone: (919) 284-2116
Fax: (919) 284-5229
Website: www.townofkenly.com

**November 14, 2022 – 7:00 p.m.
Regular Town Council Meeting
Minutes**

COUNCIL PRESENT:

Herbert Hales II, Mayor
Mark Smith, Mayor Pro Tem
Keith Davis, Council Member
Trinity Henderson, Council Member
LaWanda Neal, Council Member

STAFF PRESENT:

Tony Sears, Interim Town Manager
Tymeeka Williams, Town Clerk
G. Paul Whitehurst, Fire Chief
Marcus Burrell, Town Attorney Partner

COUNCIL ABSENT:

Bobby Peele, Council Member

1. CALL TO ORDER

- Call to Order – *Mayor Herbert Hales, II*
- Invocation – *Council Member Keith Davis*
- Pledge of Allegiance – *Mayor Herbert Hales, II*

Mayor Hales called the meeting to order at 7:02 p.m. Council Member Davis offered the Invocation and Mayor Hales led everyone in the Pledge of Allegiance.

2. PUBLIC COMMENT

This portion of the meeting is an opportunity for citizens to speak on any issue concerning the Town of Kenly. Please note that each citizen is limited to a total of 3 minutes. Please direct all comments/concerns to the entire council rather than individual members. Further, it should be noted that the Town Council reserves the right to not act on items first presented at this meeting.*

**This time may be adjusted based on the number of citizens who wish to speak.*

No public comments at this time

3. ADJUSTMENT/ADOPTION OF THE AGENDA

- a. Adjustments to the Agenda
No adjustments were requested to be made to the agenda
- b. Adoption of the Agenda

ACTION: Motion to Adopt Agenda as Presented

Motion: Council Member Davis
Second: Council Member Smith
Vote: Unanimous

CONSENT AGENDA

4.

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Board may request to have an item removed from the consent agenda for further discussion.)

a. Draft Minutes

- October 10, 2022 – Regular Session
- October 10, 2022- Closed Session *

**closed Session DRAFT minutes will be provided to council in a sealed envelope and following the meeting they will be returned to the Town Clerk for destruction.*

b. Adoption of NC Record Retention Schedule

All Records kept by municipalities have a schedule of retention and destruction. The Legal length regulated by The State of North Carolina. If N.C changes their schedule, the Town of Kenly will also change their schedule.

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Davis

Second: Council Member Neal

Vote: Unanimous

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Introduction & Oath – Town Clerk/Administrative Services Manager

Presenter: Tony Sears, Interim Town Manager / Oath Issued By: Mayor Hales

- Tymeeka Williams – Town Clerk/Administrative Services Manager

Erick Williams (Husband) and Sandy Carrington (colleague) were in attendance in to support Tymeeka while she was sworn in as Town Clerk.

6. PUBLIC HEARINGS

a. Ordinance – Text Amendment – Code of Ordinance: 156.202 & 156.304

Presenter: Tony Sears, Interim Town Manager

Tony Sears presented the information for the text amendment. Servicing vehicles in enclosed building (exceptions of detailing the car)

Mayor Hales questioned what Ordinance 156.202 (8a) meant clearly. Mr. Sears explained it meant that if repairs are being made to a vehicle; it would have to be completed inside the building and not the parking lot or driveway of business. Mayor Hales asked if this only pertained to businesses and not residential. Mr. Sears stated that Mr. Ratliff wanted to get cars from the auction and perform minor repairs to the vehicles to prepare them for resale. Mayor Hales wanted reassurance that adopting the amendment wouldn't alienate or change the process of existing long-standing businesses in Kenly. Mr. Sears reassured council that the amendment would in no way affect other businesses.

ACTION: Adoption of Ordinance #2022-11-01-

Motion: Council Member Smith
Second: Council Member Davis
Vote: Unanimous

7. NEW BUSINESS

- a. Ordinance – Street Closure for 2022 Christmas on Main Event
- Saturday – December 3, 2022
- Presenter:* Tony Sears, Interim Town Manager

Johnston County Sheriff will close streets and reroute traffic for Send signed approval for street closure to NCDOT on town's letterhead.

ACTION: Adoption of Ordinance #2022-11-02-

Motion: Council Member Henderson
Second: Council Member Neal
Vote: Unanimous

- b. Ordinance – Back Flow
- Presenter:* Tony Sears, Interim Town Manager

Mr. Sears presented the Ordinance Amendment concerning the Back-Flow Preventer.

ACTION: Adoption of Ordinance #2022-11-03-

Motion: Council Member Smith
Second: Council Member Henderson
Vote: Unanimous

- c. Ordinance – Code of Ordinance – Official Page Update
- Presenter:* Tony Sears, Interim Town Manager

Council Member Neal requested an edit in the spelling of her name for the Officials Page in the Town of Kenly Code of Ordinances.

ACTION: Adoption of Ordinance #2022-11-04 with above amendment

Motion: Council Member Neal
Second: Council Member Davis
Vote: Unanimous

- d. CDBG Grant Informational Update
- Presenter:* Tony Sears, Interim Town Manager

This item is related to a slip lining sewer bid. The contractor already has majority of the materials for this project. He will have 2 crews working on this

project in order to follow the project timeline. The process is easy, fast and complicated. Pipe through another pipe, connecting manhole to manhole. Gary Pittman was present and explained to the council that in order to receive the money from the grant, the audit from 6/2021 needs to be completed. At this time there is an audit set up for January 31st, 2023. The project has to be substantially completed in order to receive payout. March 2023 is deadline for grant guidelines to be met or grant money will be lost. In order to begin this project, the town would have to loan itself the money. That would allow the town stay in compliance with the LGC and still keep the grant.

ACTION: Recessed until November 30, 2022 @ 6:30pm

Motion: Council Member Davis
Second: Council member Smith
Vote: Unanimous

8. OLD BUSINESS

- a. Resolution – Update Signatories on CDBG Grant Paperwork
Presenter: Tony Sears, Interim Town Manager

Authorizes persons to act as signatories for the CDBG funds requisitions for the Sewer Rehabilitations Project for the Town of Kenly. Mayor Hales, Tony Sears Interim Town Manager and Pro Tem Mayor Mark Smith.

ACTION: Adoption of Resolution #2022-08

Motion: Council Member Neal
Second: Council Member Davis
Vote: Unanimous

- b. Resolution – Update Signatories on Bank Accounts
Presenter: Tony Sears, Interim Town Manager

Signature form from bank stating that the Finance Officer(s) and Mayor are authorized to sign checks on behalf of the town. Tony Sears- Interim Town Manager & Tymeeka Williams- Town Clerk.

ACTION: Adoption of Resolution #2022-09

Motion: Council Member Davis
Second: Council Member Smith
Vote: Unanimous

9. TOWN MANAGER / STAFF REPORTS

- a. Town Manager

Mr. Sears reported on two sewer utility adjustments as follows:

- 623 Lincoln Drive- Recommended Adjustment of \$1017.92
- 625 Lincoln Drive- Recommended Adjustment of \$285.28

ACTION: Approval of Adjustment(s) as Requested

Motion: Council Member Smith
Second: Council Member Davis
Vote: Unanimous

- b. Town Clerk
None presented
- c. Town Attorney
None presented

10. OTHER BUSINESS

- a. Informal Discussion
- b. Council Member Comments

Council members would like to see agendas and minutes posted online. Council members would also like more updated information on the website. Council stated that the electronic Kenly sign should display the most recent/updated events. Council Members want the option of conducting virtual council meetings.

11. CLOSED SESSION

- a. Closed session pursuant to NCGS 143-318.11 (a) (3)

Council went into Closed session at 8:03pm.

ACTION: Motion to go into Closed Session

Motion: Council Member Henderson
Second: Council Member Davis
Vote: Unanimous

Council returned from Closed Session at 8:54pm. The meeting will be recessed/continued on November 30, 2022 at 6:30 p.m.

12. ADJOURNMENT

- a. **Recess:** Meeting Recessed until November 30, 2022 @6:30pm

ACTION: Motion to Adjourn

With their being nothing further, the meeting was Recessed at 9:02 pm

Motion: Council Member Davis
Second: Council Member Smith
Vote: Unanimous

13. RECONVENED- NOVEMBER 30, 2022

COUNCIL PRESENT:

Herbert Hales II, Mayor
Mark Smith, Mayor Pro Tem
Keith Davis, Council Member
LaWanda Neal, Council Member

STAFF PRESENT:

Tony Sears, Interim Town Manager
Tymeeka Williams, Town Clerk

COUNCIL ABSENT:

Bobby Peele, Council Member
Trinity Henderson, Council Member

Mayor Hales called the meeting to order at 6:37 p.m.

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous

14. NEW BUSINESS CONTINUED

- a. CDBG Grant Informational Update
Presenter: Tony Sears, Interim Town Manager

Mr. Sears presented information as how to obtain the funds to complete the slip lining project without going to the bank for a loan and staying in compliance with the LGC guidelines. The grant is for \$2 million and the money won't be released unless the audit is completed. The audit won't be started until 1/31/2023.

Mr. Sears proposed the Town of Kenly fund the project itself until the funds for the grant can be released. If the town waits any longer, it could be responsible for bankrupting the company contracted to do the work. The project can be substantially completed by the deadline for the audit but needs to be financed ASAP.

Monica Chevalier was in attendance of the meeting on behalf of Withers Ravenel and stated that the costs for materials will rise and the cost for the project will increase. The contract is for \$1.16 Million and the town has already paid the contractor \$400K for materials and crews.

Gary Pittman (CPA firm) stated that if the town financed the project, it could very well take a loss, so their had to be a cost where they could go forward with completing the project but had to be careful with the account(s) they took the funds out of and if the town took more than \$750K out of multiple accounts it would overextend the town.

Mr. Sears suggested taking \$650K out of multiple accounts to cover the project in the meantime and pay it back once the grant money was released following the audit. The suggested amounts were as follows: \$300K from the ARPA fund and

\$350K from the Fund Balance. This will give the town time to complete audit and satisfy the guidelines to receive the grant.

Quorum was Unanimous: Council Member Davis: Move forward with the Project; Council Member Neal: Take the Risk; Mayor Pro Tem Smith: Move Forward with the project; Mayor Hales: Take the Risk- 2 Council Members were not present.

The town will set up a separate checking account for the Construction funds.

15. CLOSED SESSION

- a. Closed session pursuant to NCGS 143-318.11 (a) (3)

Council went into Closed session at 7:40 pm.

ACTION: Motion to go into Closed Session

Motion: Council Member Davis

Second: Council Member Smith

Vote: Unanimous

Council Closed Session and went into another Closed Session and Interim Town Manager and Town Clerk left the meeting. Council returned from Closed Session at 8:02pm

16. OTHER BUSINESS

- a. Council agreed to a \$2500.00 Christmas bonus for Interim Town Manager Tony Sears for his hard work and dedication to the town.

ACTION: Motion to provide Christmas Bonus for Interim Town Manager

Motion: Council Member Smith

Second: Council Member Davis

Vote: Unanimous

- b. Discussion was had regarding the Yukon Street SUP issue. Council discussed a buy-out option for the Town and at what price they could obtain the property.

17. ADJOURNMENT

- a. Adjourn the Meeting

ACTION: Motion to Adjourn

With their being nothing further, the meeting was Adjourned at 8:15 pm

Motion: Council Member Davis

Second: Council Member Neal

Vote: Unanimous

Duly Adopted this 12th day of December, 2022 while in Regular Session.

Herbert L Hales, II
Mayor

ATTEST:

Tymeeka L Williams
Town Clerk

